

LAWS50074 Charters of Rights in Comparative Perspective

Credit Points:	12.50																					
Level:	5 (Graduate/Postgraduate)																					
Dates & Locations:	This subject is not offered in 2013. 35 hours of seminar classes offered intensively.																					
Time Commitment:	Contact Hours: 35 hours. Total Time Commitment: 144 hours.																					
Prerequisites:	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50024 Principles of Public Law</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50026 Obligations</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50027 Dispute Resolution</td> <td>Not offered 2013</td> <td>12.50</td> </tr> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.50</td> </tr> <tr> <td>LAWS50032 Administrative Law</td> <td>Not offered 2013</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	Not offered 2013	12.50	LAWS50024 Principles of Public Law	Not offered 2013	12.50	LAWS50026 Obligations	Not offered 2013	12.50	LAWS50027 Dispute Resolution	Not offered 2013	12.50	LAWS50028 Constitutional Law	Semester 2	12.50	LAWS50032 Administrative Law	Not offered 2013	12.50
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Corequisites:	None.																					
Recommended Background Knowledge:	None.																					
Non Allowed Subjects:	<table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS70292 Australian Charters of Rights</td> <td>Not offered 2013</td> <td>12.50</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS70292 Australian Charters of Rights	Not offered 2013	12.50															
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Core Participation Requirements:	<p>The Melbourne Law School welcomes applications from students with disabilities. It is University and Law School policy to take all reasonable steps to enable the participation of students with disabilities, and reasonable adjustments will be made to enhance a student's participation in the School's programs. The inherent academic requirements for the study in the Melbourne Law School are: The ability to attend classes and actively engage in the analysis of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students must possess behavioural and social attributes that enable them to participate in a complex learning environment. Students are required to take responsibility for their own participation and learning. They also contribute to the learning of other students in collaborative learning environments, demonstrating interpersonal skills and an understanding of the needs of other students. Assessment may include the outcomes of tasks completed in collaboration with other students. Students who feel their disability will prevent them from participating in tasks involving these inherent academic requirements are encouraged to contact the Disability Liaison Unit: http://www.services.unimelb.edu.au/disability/.</p>																					
Contact:	<p>Melbourne Law School Student Centre Email: law-studentcentre@unimelb.edu.au (mailto:law-studentcentre@unimelb.edu.au) Tel: +61 3 8344 4475</p>																					
Subject Overview:	<p>This subject analyses the regimes for protecting human rights (including constitutional Bills of Rights, statutory human rights Acts, antidiscrimination legislation, and international treaties) in a wide range of jurisdictions. The jurisdictions selected will exemplify various approaches</p>																					

	<p>to institutional design and the range of substantive rights protected, and will address recent disciplinary and professional developments.</p> <p>Topics addressed will include:</p> <ul style="list-style-type: none"> # Techniques for making meaningful comparisons between rights-protecting regimes; # Mechanisms for protecting rights (including legislative scrutiny, judicial review, judicial interpretation, human rights commissions and ombudsmen); # Rights protected under these regimes and the extent of rights-protection (including consideration of who has rights, who has obligations and limits on rights); # Case studies of selected rights under different rights-protecting regimes (for example, criminal procedure rights such as the right to be presumed innocent, freedom of expression, property rights, equality rights and the right to housing); # The impact of political, legal and public culture and of institutional design on the extent of rights-protection; # The arguments for and against different kinds of rights-protecting regimes (including the case for and against judicial review).
Objectives:	<p>A student who has successfully completed this subject should have an advanced and integrated understanding of:</p> <ul style="list-style-type: none"> # The structures of rights-protecting regimes in selected comparator jurisdictions; # The substantive law of human rights in selected contexts in the selected comparator jurisdictions; # The value of comparative methodologies in the context of human rights law; # How different rights-protecting regimes respond to particular kinds of factual situations; # The practical, institutional and theoretical arguments for and against different institutional arrangements for protecting rights. <p>They should also:</p> <ul style="list-style-type: none"> # Be able to critically and independently analyse the appropriateness and effectiveness of various rights-protecting regimes; # Have a sophisticated appreciation of, and ability to engage in, the complex theoretical, policy and practical debates taking place internationally in relation to these issues; # Apply their understanding and analytic capacity to consideration of new situations and contexts (for example, the design of new rights-protecting regimes in other jurisdictions); # Through the assessment involving a research paper, developed specialised skills in self-directed legal research and in the autonomous and creative production of a substantial piece of legal writing that is thoroughly researched and develops arguments in a highly structured, supported and referenced way, with a high degree of original content.
Assessment:	<p>Class participation, including leading and participating in discussion and problem solving and one piece of written work (500 words) designed to stimulate class discussion on assigned topics, due 9am on the weekday prior to the class (10%); Examination during the examination period OR written work (6,000 words) due at the end of week 12 (or if offered intensively at the time specified in the JD assessment timetable) (90%).</p>
Prescribed Texts:	<p>Specialist printed materials will be made available from Melbourne Law School.</p>
Breadth Options:	<p>This subject is not available as a breadth subject.</p>
Fees Information:	<p>Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees</p>
Generic Skills:	<p>On completion of the subject students should have developed and demonstrated their skills in the following areas:</p> <ul style="list-style-type: none"> # Cognitive skills to demonstrate mastery of theoretical knowledge and critical reflection in the context of theoretical and professional debates about the protection of human rights; # Cognitive, technical and creative skills to critically investigate, analyse, combine and interpret complex information, problems, concepts and theories and to apply established theories to different bodies of knowledge or practice in the context of disparate regimes for protecting rights in the selected comparator jurisdiction; # Cognitive, technical and creative skills to generate and evaluate complex ideas and concepts at an abstract level and the ability to translate those abstract ideas and concepts

	to practical problems, demonstrated in classroom discussion of practical problems and in assessment task; # Communication and technical research skills to justify theoretical propositions, methodologies, conclusions and professional decisions to specialist audiences in the context of scholarly writing and/or professional advice in assessment tasks.
Notes:	This subject has a quota of 60 students.